

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2011 MAY 13 PM 4:16

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONTBY lw CLERK
DEPUTY CLERK

Heather Cheney,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:10-cv-174
)	
Commissioner of Social Security,)	
)	
Defendant.)	

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION
(DOCS 10, 11 & 15)**

The Report and Recommendation of the United States Magistrate Judge was filed on April 19, 2011. (Doc. 15.) After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this court hereby ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the report.

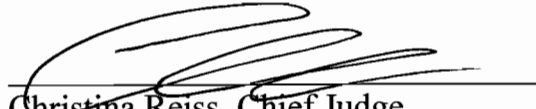
A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); *Perez-Rubio v. Wycoff*, 718 F. Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.* When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See Campbell v. United States Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974), *cert denied*, 419 U.S. 879 (1974). Here, that standard is satisfied.

ORDER

Plaintiff Heather Cheney's motion to reverse and remand the decision of the Commissioner of Social Security (the "Commissioner") denying her application for disability insurance benefits (Doc.10) is hereby GRANTED. The Commissioner's motion for an order affirming the decision of the Commissioner (Doc.11) is hereby DENIED. This matter is remanded to the Administrative Law Judge under sentence four of 42 U.S.C. § 405(g) for further proceedings, in accordance with the Report and Recommendations as adopted by this court.

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 13th day of May, 2011.


Christina Reiss, Chief Judge
United States District Court